

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

Plaintiff,

v.

TREK BICYCLE CORPORATION,

Defendant.

Case No. \_\_\_\_\_

**NOTICE OF REMOVAL**

**TO: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
MINNESOTA:**

Defendant Trek Bicycle Corporation ("Trek") hereby removes the above-entitled action to the United States District Court for the District of Minnesota from the Fourth Judicial District Court, Hennepin County, for the State of Minnesota. Removal is proper based on the following facts which were true at the time the Complaint was received by Trek and remain true as of the date of the filing of this Notice.

1. Plaintiff served Trek with a copy of the Summons and Complaint, on or about March 20, 2008, true and correct copies of which are attached as Exhibits A and B, respectively. This Summons and Complaint constitutes commencement of an action for purposes of Rule 3.01, Minnesota Rules of Civil Procedure. *See* Cover Letter to the Complaint, a true and correct copy of which is attached as Exhibit C.

2. Plaintiff filed the Summons or Complaint with the Fourth Judicial District Court, County of Hennepin, State of Minnesota on April 8, 2008.

3. The Complaint alleges that Trek breached a sublicense agreement with Plaintiff. Plaintiff seeks declaratory relief, injunctive relief, and damages.

4. Plaintiff also served its First Set of Discovery requests with the Complaint, a true and correct copy of which is attached hereto as Exhibit D.

5. Removal is proper pursuant to 28 U.S.C. § 1441(a) because the Court has original diversity jurisdiction under 28 U.S.C. § 1332(a) in that there is complete diversity of citizenship between the parties and the amount-in-controversy exceeds \$75,000 exclusive of interest and costs.

6. The Complaint, attached as Exhibit B, is the initial pleading from which it may be ascertained that the case is removable.

7. Plaintiff LeMond Cycling, Inc., is a corporation organized under the laws of the State of Minnesota with its principal place of business located in Wayzata, Minnesota. For purposes of 28 U.S.C. §§ 1332 and 1441, plaintiff is a citizen of Minnesota.

8. Defendant, Trek Bicycle Corporation, is a corporation organized under the laws of the State of Wisconsin with its principal place of business located at 801 West Madison Street, Waterloo, Wisconsin, 53594. For purposes of 28 U.S.C. §§ 1332 and 1441, Trek is a citizen of Wisconsin.

9. The amount in controversy exceeds \$75,000, exclusive of interest and costs. Although Plaintiff does not specify an amount in controversy, in light of the allegations in the Complaint regarding, *inter alia*, the length of the agreement, loss of revenue and damage to the LeMond brand, the amount in controversy exceeds \$75,000.

10. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders that have been served on Trek to date are attached to this notice.

11. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days of first receipt by Trek of the Complaint setting forth Plaintiff's claims for relief.

12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal, together with a copy of the Notice of Filing of Notice of Removal, is being served on all adverse parties.

13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Court Administrator for the District Court, Fourth Judicial District, County of Hennepin, State of Minnesota, together with a Notice of Filing of Notice of Removal.

14. Trek expressly reserves all of its defenses and further reserves its right to amend or supplement this Notice of Removal.

**WHEREFORE**, the Defendant Trek Bicycle Corporation advises the Court that this action has been removed to the United States District Court for the District of Minnesota.

Dated: April 9, 2008

HALLELAND LEWIS NILAN & JOHNSON,  
P.A.

By: 

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**ATTORNEYS FOR DEFENDANT**